

EXHIBIT D

From: Noss, Walter <Wnoss@KoreinTillery.com>
Sent: Friday, March 22, 2024 9:06 PM
To: Lv, Kate; MCCALLUM, Robert; 'Serina Vash'; Korologos, Philip; 'Jordan Elias'; Earnhardt, Izaac; 'Goodnow, Christopher C.'; 'Ted Maya'; 'Henry Kelston'; 'sdavidson'; Mao, Mark; 'Thorne, John'; 'Bird, Daniel G.'; 'Maier, Eric J.'; 'Henningson, Sven E. (Trip)'; SVENSON, Ross; SESSIONS, Justina (JKS); BRANDON, Eric; SALEM, Sara; dpearl@axinn.com; 'Zeke DeRose'; Geraldine W. Young; Jonathan Wilkerson; Trevor E. D. Young (trevor.young@oag.texas.gov); Noah Heinz
Subject: RE: Google Display Ads - Agenda for 3/22/24 Meet and Confer - FOLLOW UP ITEMS
Attachments: Stipulation re Deposition Hyperlink Procedure(8857142.1).docx; Exhibit A - Template for Linked Document Requests(8857143.1).xlsx

Follow Up Flag: Follow up
Flag Status: Completed

Rob:

I write on behalf of MDL plaintiffs to follow up on two items discussed during today's meet and confer.

First, in light of our discussion regarding deposition transcripts from the E.D. Tex. and in an effort to reach a compromise, MDL plaintiffs are prepared to limit their requests under RFP 277 and 307 to transcripts and exhibits for depositions of (1) all Google 30(b)(6) witnesses and (2) Google's current or former employees. For those Google depositions, rather than having Google formally produce the documents, MDL plaintiffs would simply contact the court report for a copy. MDL plaintiffs would not ask Google to produce any other transcripts and exhibits, such as third parties; the States or their employees/agents; or experts, for depositions taken in the E.D. Texas as part of RFPs 277 and 307.* MDL plaintiffs request Google provide its position on this compromise by our next meet and confer on Friday, March 29.

Second, I attach a draft stipulation regarding hyperlink requests in advance of deposition for Google's review. MDL plaintiffs request Google provide its position on this stipulation by our next meet and confer on Friday, March 29.

To the extent, Google reaches a position or has any edits to the above before next week's meet and confer, please send us an email or give me a call.

Thanks.

-WW

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From: Noss, Walter <Wnoss@KoreinTillery.com>

Sent: Thursday, March 21, 2024 1:03 PM

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Subject: Google Display Ads - Agenda for 3/22/24 Meet and Confer

Agenda for 3/22/24 Meet and Confer:

1. Status of Nov. 2 Production: Google expected to finish by March 29.
2. RFP 302: Google objects to Ps getting requested 'rogs and correspondence from DOJ.
3. ~~RFP 303/306~~: ~~DOJ Hard Drive Received. Castel modified PO. Status of other third-party productions? (Two productions with technical issues).~~
4. RFP 305: Status of agreed exhibits for Search trial transcripts. Google owes response whether it is willing to review non-public transcripts for responsiveness without requiring that MDL plaintiffs unconditionally accept Google's relevance determinations.
5. Linked Documents: Google Produced Overlay on 2/2. Plaintiffs reviewing.
6. ~~GOOG-TEX Docs~~: ~~Resolved.~~
7. ~~Mok Depo Binder~~: ~~(Requested on 1/12/24). Produced 2/2/24~~
8. ~~Pub Class's ESI, Section H request~~: ~~Google Produced Doc.~~
9. Requested Hyperlink Docs: Status? (Requested on 1/10/24). On 2/9 Google provided initial response. Docs divided between G-suite and others. (Status of production).
10. Depo Hyperlink Procedure: Raised a while back, but can we reach an agreement on requesting a certain amount of hyperlinked docs in advance of depositions? (Plaintiffs working on a proposed protocol).
11. ~~Financial Records~~: ~~Requested by RFP 271. Does Google have a breakdown by U.S. / NA in P&Ls? Google stands on its prior interrogatory response in ED Va matter.~~
12. ~~Responses to Interrogatories~~: ~~Court resolved issues.~~
13. ~~Explanation of Data Discrepancy~~: ~~Google repeatedly has informed MDL Plaintiffs and Texas that it has produced 200 TB of data. See, e.g., EDTX Dkt. 222, at 3. Yet it recently produced 413.5 TB of "backup materials" with its expert reports in EDVA. See EDVA Dkt. 517, at 4 n.3. Please explain what those additional materials are and why they have not been produced during fact discovery in MDL Plaintiffs' case. D Pearl's Feb. 15, 2024 letter.~~

15. ~~2/23 email from W Noss re Request for Field Descriptions: Ps' reviewing D Pearl's 2/29 email in response.~~
16. ~~2/23 email from W Noss re Request to Identify or Produce Docs Identified in Google's Supp Resps to DOJ 5th Rogs: Ps reviewing Ross's 2/29 email in response.~~
17. Letter re Bates Gaps: Does Google have an explanation and is there a date certain by which we can expect either explanation or a replacement production? Update on Google's progress?
18. Coordination Order: Anything to discuss?
19. Production of Deposition Transcripts from E.D. Tex per RFP 277 and RFP 307: MDL Ps happy to contact court reporter and get them and have that satisfy Google's obligation. Google's response?

Walter Noss

From: Noss, Walter <Wnoss@KoreinTillery.com>

Sent: Thursday, March 14, 2024 4:14 PM

To: Lv, Kate <KLv@KoreinTillery.com>; 'MCCALLUM, Robert' <rob.mccallum@freshfields.com>; 'Serina Vash' <svash@hermanjones.com>; Korologos, Philip <pkorologos@BSFLLP.com>; 'Jordan Elias' <jelias@girardsharp.com>; Earnhardt, Izaac <learnhardt@bsfllp.com>; 'Goodnow, Christopher C.' <cgoodnow@kellogghansen.com>; 'Ted Maya' <tmaya@ahdootwolfson.com>; 'Henry Kelston' <hkelston@ahdootwolfson.com>; 'sdavidson' <sdavidson@rgrdlaw.com>; Mao, Mark <mmao@BSFLLP.com>; 'Thorne, John' <jthorne@kellogghansen.com>; 'Bird, Daniel G.' <dbird@kellogghansen.com>; 'Maier, Eric J.' <emaier@kellogghansen.com>; 'Henningson, Sven E. (Trip)' <shenningson@kellogghansen.com>; SVENSON, Ross <Ross.Svenson@freshfields.com>; SESSIONS, Justina (JKS) <Justina.Sessions@freshfields.com>; BRANDON, Eric <Eric.Brandon@freshfields.com>; SALEM, Sara <Sara.Salem@freshfields.com>; dpearl@axinn.com; 'Zeke DeRose' <zeke.derose@lanierlawfirm.com>; Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Trevor E. D. Young (trevor.young@oag.texas.gov) <trevor.young@oag.texas.gov>; Noah Heinz <Noah.Heinz@kellerpostman.com>

Subject: RE: Google Display Ads - Agenda for 3/15/24 Meet and Confer

Agenda for 3/15/24 Meet and Confer.

1. Status of Nov. 2 Production: Status of future productions? Volume? Still on track to complete today?
2. RFP 302: Does Google object to Ps getting requested rogs and correspondence from DOJ? (Rob to raise with Google, Likely No).
3. RFP 303/306: DOJ Hard Drive Received. Castel modified PO. Status of other third-party productions? (Two productions with technical issues).
4. RFP 305: Status of agreed exhibits for Search trial transcripts. Google has agreed to do a relevancy review in Texas's case. Will Google do the same in the MDL? What does that entail?
5. Linked Documents: Google Produced Overlay on 2/2. Plaintiffs reviewing.

6. ~~GOOG-TEX Docs: Resolved.~~
7. ~~Mok Depo Binder: (Requested on 1/12/24). Produced 2/2/24~~
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Walter Noss